

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figs. 14-16. This sheet, which includes Figs. 1-16 replaces the original sheet submitted by amendment on or about November 15, 2006. In Figures 14-16, the bottle cap configuration was amended to match the cap as set forth in US Patent 5,904,259 (Hidding).

Attachment: Replacement Drawing Sheet

REMARKS/ARGUMENTS

The Applicant's representative has reviewed the Examiner's Office Action of January 11, 2008 and provides the following response:

Drawing Objection

The Examiner objects to the drawings received on November 20, 2006 since the proposed drawings figures include a cap that is different from the one set forth in Hidding (US Patent 5,904,259, which is incorporated by reference into the present application). In response, Figures 14-16 are replaced with Figures that depict the cap exactly as shown in Hidding.

Claim Objections

The Examiner objects to claims 1 and 15 because the phrase "a at least" should read "at least." An appropriate correction to claims 1 and 15 are made herein.

Claim Rejections - 35 USC § 112

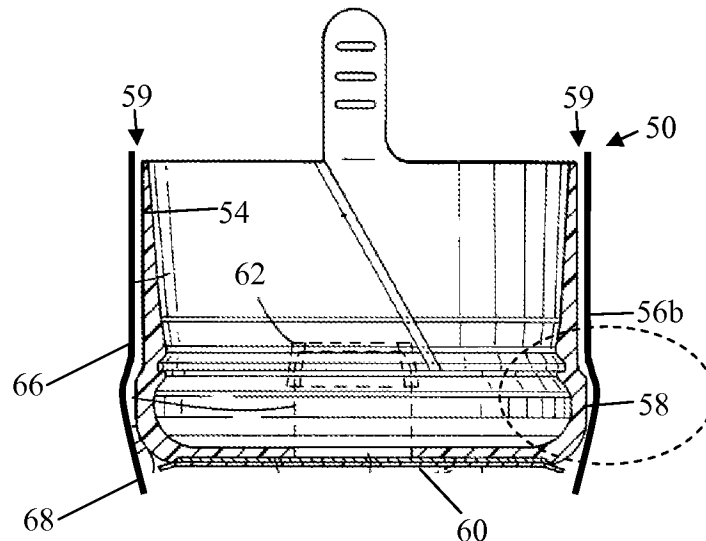
The Examiner rejects claim 17 as being indefinite. Specifically, the Examiner asserts that the claim is unclear with regard to whether the label covers only a portion of the cap and the sleeve covers a portion of the cap, or if the label and sleeve cover the same portion of the cap. In response to the Examiner's rejection, claim 17 is revised to clarify, essentially, that the label covers a portion of the cap and the sleeve covers a portion of the cap, although the sleeve overlaps at least a portion of the peripheral edges of the label. In view of this amendment, withdrawal of the rejection under 35 USC § 112 is respectfully requested.

Claim Rejections - 35 USC § 102

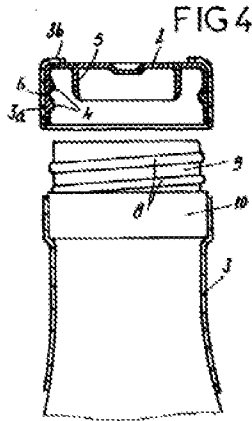
The Examiner rejects claims 19-22 as being anticipated by Scheidegger (FR 2,739,611). In response, the Applicants cancel claims 19-21 without prejudice and amend claim 22 to re-write the claim in independent form. The scope of claim 22 is not changed by this amendment.

All limitations of claim 19, from which old claim 22 depended are incorporated into amended claim 22. A redundant limitation calling for “a gap” is deleted from claim 22.

Claim 22, as both previously and currently drafted, calls for the closure to have an area of enlarged diameter forming a protrusion on the exterior of the closure. The claim further calls for the shrink sleeve to engage the protrusion when partially shrunk. One embodiment of the claimed protrusion is disclosed in amended Figure 15 as reference numeral 58, copied below (see also the second full paragraph on page 18 of the application):



Scheidegger does not disclose a cap having an area of enlarged diameter forming a protrusion, nor does it disclose a shrink sleeve engaging a protrusion when partially shrunk. Indeed, the skirt 6 of the Scheidegger cap 2 has a uniform diameter from top to bottom and no protrusion:



For the reasons provided above, it is respectfully requested that the Examiner withdraw the rejection of claim 22.

Claim Rejections - 35 USC § 103

The Examiner rejects claims 1-7 and 15-18 as obvious over various combinations of Salemi (US 5,524,782), Marino (US 5,605,230), Irish (US 3,720,343), and Crum (US 5,022,526).

In response to the Examiner's rejection, the independent claims 1 and 15 are amended to clarify that the shrink sleeve must contain coloring to signify the contents and/or the supply of said container. Neither Salemi, Marino, Irish, nor Crum disclose or suggest the use of coloring on a shrink sleeve to signify the contents of the container. Moreover, the use of coloring on a shrink sleeve to signify the contents of the container is contrary to accepted wisdom and is critical to the embodiment of claims 1 and 15.

As discussed on page 4 of the present application, it is accepted wisdom in the bottling industry to use colored caps to signify the contents of the container. In the milk industry, for example, red caps typically designate whole milk, light blue caps designate skim milk, and

yellow caps designate 1% milk. It is believed that colored caps are also used to designate different kinds of juices, waters (spring, filtered, fluoridated, etc.), and flavors of beverages.

As discussed on pages 4-7 of the present application, the use of colored shrink sleeves provides numerous advantages to both the cap manufacturer and the bottler. For example, coordinating cap color with the contents of the containers, particularly when multiple kinds of beverage are bottled at a single facility, is no small task. At a milk bottling facility, when changeovers from one kind of milk to another occurs, all of the caps of one color in the feeder bowl must be removed and replaced with caps of another color. With the embodiment of claims 1 and 15, since the shrink sleeve designates the contents of the container (rather than the cap), the bottler could use a single cap color, negating the need to replace caps in the feeder bowl during changes. During changeovers, the bottler would only need to change the reel of shrink sleeves, which is much easier than changing out the cap feeder bowl..

The use of colored shrink sleeves also provides advantages in terms of inventory and storage. In the typical capping system, both the cap manufacturer and the bottler must keep ample supplies of caps of each color on hand, which requires significant storage space. With the embodiment of claims 1 and 15, the manufacturer and bottler need only keep ample supplies of a cap of a single color, greatly reducing the required storage space.

Even further, the use of colored shrink sleeves in combination with non-pigmented or white-pigmented caps (see claim 7) provides specific advantages in the water industry, where it the use of colorants (other than white) is often perceived as affecting the taste and purity of water. With the embodiment of claim 7, the advantage of color coding can be achieved while avoiding the adverse perception associated with colored caps.

In view of the significant amendment to claim 17, it is believed that the Examiner's rejection on the basis of Salemi, Marino, and Crum is moot. Therefore, reconsideration of claim 17 is respectfully requested.

Conclusion

For the foregoing reasons, the Applicants believe that the claims are sufficiently distinguished from the prior art and are in condition for allowance.

It is believed that a two-month extension fee is due in connection with the present Amendment, and a *Request for an Extension of Time* is enclosed herewith. You are hereby authorized to deduct the required amounts from our Deposit Account No. 02-0400 (Baker & McKenzie). In the event that the Applicant has miscalculated the fees due, you are also authorized to credit any overpayment or charge any underpayment. *When identifying such a withdrawal, please use the Attorney Docket Number BMO-129.*

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Respectfully,

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